

REMARKS

Claim 34 is in this application. Claims 1-33 have been cancelled.

The Examiner has rejected claim 34 under 35 USC 112, first and second paragraphs. Applicants respectfully traverse these rejections.

Claim 34 has been amended to delete the terms "polymorphs" and "solvates".

However, all rights to proceed with these terms are preserved. As argued previously the polymorphs and solvates of the compound of formula (IIIe) are enabled.

Claim 34 has been amended to define the derivatives of the carboxylic acid as on page 17, lines 2-3. Carboxylic acid is now defined as COOH and sulfonic acid as SO₂OH.

Therefore, it is respectfully requested that these rejections be withdrawn.

The Examiner has rejected claim 34 as being anticipated by Vanderhaeghe et al. Applicants respectfully traverse this rejection.

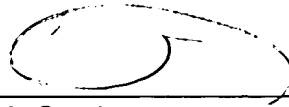
Anticipation requires that each and every element of the claimed invention be disclosed in a single prior art reference. *In re Paulsen*, 30 F.3d 1475, 31 USPQ 1671 (Fed. Cir. 1994). For anticipation, there must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention. *Scripps Clinic & Res. Found. v. Genentech, Inc.*, 927 F.2d 1565, 18 USPQ2d 1001 (Fed. Cir. 1991).

Claim 34 has been amended to delete p-toluene sulphonate from the definition of L¹.

Therefore, it is respectfully requested that the rejection be withdrawn.

It is submitted that the application is in condition for allowance and favorable consideration is respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Janet I. Cord", is written over a horizontal line.

Janet I. Cord
c/o Ladas & Parry LLP
26 West 61st Street
New York, NY 10023
Reg. No. 33,778 (212) 708-1935